

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOANN FONZONE,

Plaintiff,

v.

JOE OTERI, et al.,

Defendants.

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**Civil Action
No. 12-5726**

ORDER

AND NOW, this _____ day of _____, 2019, upon consideration of Plaintiff's Third Motion to Compel Further Responses to Plaintiff's Interrogatories and Defendants' Response, it is **HEREBY ORDERED** that the Motion is **DENIED**. It is further **ORDERED** that trial in this matter shall take place in Philadelphia, PA.

BY THE COURT:

THE HONORABLE JEFFREY L. SCHMEHL

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOANN FONZONE,	:	
	:	
Plaintiff,	:	
	:	Civil Action
v.	:	No. 12-5726
	:	
JOE OTERI, et al.,	:	
Defendants.	:	

DEFENDANTS' RESPONSE TO PLAINTIFF'S THIRD MOTION TO COMPEL

Municipal Defendants, by and through the undersigned counsel, hereby file this Response to Plaintiff's Motion to Compel. Defendants respectfully request that this Court deny Plaintiff's motion as it is wholly without merit.

1. PLAINTIFF'S MOTION TO COMPEL SHOULD BE DENIED

Plaintiff previously filed motions to compel further answers to discovery on August 11, 2016, and February 16, 2018, which were both denied. ECF Docs. 78 and 116. As has been articulated in previous responses, the Municipal Defendants each responded to Plaintiff's discovery requests almost three years ago and Plaintiff has never identified deficiencies in those responses. Plaintiff has presented no new evidence in the pending motion for the Court to consider. Therefore, Plaintiff's Motion to Compel should be denied.

2. PLAINTIFF'S REQUEST TO MOVE THE PROCEEDINGS TO PHILADELPHIA

The Municipal Defendants join in Plaintiff's request to move the proceedings in this matter to Philadelphia. This case involves an arrest made in Philadelphia, by Philadelphia Police Officers, and criminal proceedings which were held in Philadelphia. Given the above, Municipal

Defendants respectfully request that the trial in this matter take place at the Federal Courthouse in Philadelphia.

Date: June 11, 2019

Respectfully submitted,

/s/ Aaron Shotland

Aaron Shotland, Esq.
City of Philadelphia Law Department
Civil Rights Unit
1515 Arch Street, 14th Floor
Philadelphia, PA 19102

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOANN FONZONE,

Plaintiff,

v.

CITY OF PHILADELPHIA, et al.,

Defendants.

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**Civil Action
No. 12-5726**

CERTIFICATE OF SERVICE

I hereby certify that on the date below, the Defendant's Response was filed via the Court's electronic filing system and is available for downloading. A copy was also sent via first class mail to the following recipients:

JOANN FONZONE
2242 TILGHMAN STREET
ALLENTOWN, PA 18104

Date: June 11, 2019

Respectfully submitted,

/s/ Aaron Shotland
Aaron Shotland, Esq.
City of Philadelphia Law Department
Civil Rights Unit
1515 Arch Street, 14th Floor
Philadelphia, PA 19102